

Village of Brewster Planning Board

July 24, 2012

Regular Meeting

Board Members in Attendance:

David Kulo, Chairman
Rick Stockburger, Assistant Chairman
Tyler Murello
Mark Anderson
Renee Diaz

Also in Attendance:

Bruce Martin- JRFA, Village Engineer
Michael Sirignano-D.J.&N.A. Management Attorney
Achilles Doupis
Richard Ruchala

The **Pledge of Allegiance** was recited.

[Whereupon the proceedings were called to order at 7:32 p.m.]

Call to Order

Chairman Kulo stated that this was the regular July Meeting of the Planning Board and noted that he was in attendance along with Rick Stockburger, Mark Anderson, Tyler Murello and Renee Diaz. Chairman Kulo made a motion to open the Meeting, which was seconded by Mr. Stockburger and passed by a vote of 5-0.

New Business

2-4 Allview Avenue-Brewster Honda extension of site plan approval

Inasmuch as no one was present from Brewster Honda to address the matter it was passed for discussion later.

Pending Business

220 East Main Street – D.J. & N.A. Management, Ltd.
Amended Site Plan for Parking Spaces.

Mr. Sirignano stated that John Watson from Insite Engineering could not be present and he had been asked to address this matter in his stead. Mr. Sirignano stated that two letters dated July 13 had been submitted; one of these letters amended the site plan and the other amended the drawings. He added that he had also submitted a list of the waivers that were being sought. Mr. Sirignano stated that the Village file in connection with the property had been reviewed and that no prior site plan had been found; a 1951 deed of the property had been discovered wherein the seller had reserved a 15 foot restricted area. Counsel stated that he had reviewed this and that he did not believe the sign extant on the property was a problem, as it has been there since 2002 and the current owner of the adjacent property had not objected to it. Mr. Sirignano also said that it is not the Planning Board's function to determine property rights between owners and this client, Mr. Doupis, intended to keep the sign.

It was agreed that the public hearing and the public hearing on the site plan would be held on September 25, 2012. Mr. Stockburger moved to accept the request for waivers; this motion was seconded by Mr. Anderson and passed by a note of 5-0.

Upon the departure of Mr. Sirignano and Mr. Doupis from the Meeting Mr. Stockburger moved to declare the Planning Board as lead agency for SEQRA purposes. Ms. Diaz inquired as to whether SEQRA was necessary. Mr. Stockburger replied that a SEQRA hearing was necessary, although not the full review Type 1; he also stated that the Applicant had not listed "nothing" among the things to do. Mr. Stockburger also noted that the old sign had been decrepit

and that Mr. Doupis had taken it down and put in its stead the new sign and planter. Mr. Anderson asserted that he did not know if he accepted Mr. Sirignano's argument that the 15 foot easement was in fact not in the purview of the Planning Board. Mr. Stockburger opined that the planter is a structure, as it is affixed to the ground, and Mr. Doupis never obtained a building permit in connection therewith. Mr. Stockburger added that as a condition of any putative site plan approval the Planning Board could require the planter's removal. Chairman Kulo responded that he would prefer to let Messrs. Szilagyi and Hernandez from the Buildings Department handle this, as their function is enforcement and if they were to issue a violation it would become a court matter. Mr. Stockburger stated that the removal of violations has nothing to do with the Planning Board. Mr. Anderson expressed that Mr. Doupis's history was that he ignored everything, such as here in not obtaining a building permit. Mr. Stockburger stated that he would prefer to ignore this and just proceed with the matter, and added that the sign should go. Mr. Murello noted that he would think that Mr. Doupis would do whatever was required because of the problems he had had with Mr. Ledley. Chairman Kulo stated that he would send an e-mail to the aforesaid Messrs. Szilagyi and Hernandez concerning the planter and the sign.

Mr. Anderson noted that he was loathe to make an issue about something that has gone on for 20 years. Mr. Stockburger pointed out that nobody has told the Cameo's owners that its overhanging sign had to be removed even though the Code requires said removal within one year. Mr. Ruchala added that going back 20 years does get a little silly. Mr. Anderson articulated that this discussion highlighted the pratfalls of owning older edifices, where an owner could be put into nonconformity by fiat. Mr. Stockburger pointed out that there is a procedure to make nonconforming signs legal, and noted that when Mr. Doupis replaced the old sign with the planter in 2002 he failed to obtain the requisite building permit. It was noted that in 1992 the Code did not require any setback for signs so at that earlier juncture the sign was okay. Mr. Stockburger asserted that the issue of the erection of the structure (i.e. the planter) without the necessary building permit would arise. Mr. Anderson opined that Mr. Doupis's only sin herein was the absence of the building permit and the Planning Board ought overlook it. Mr. Murello agreed and added that Mr. Doupis's neighbor had ten years to deal with this and hadn't. Mr.

Anderson added that a municipality loses credibility if it opts to make an issue of things too long after they have transpired. Mr. Anderson suggested that there were two things that needed to be done-the letter to Messrs. Szilagyi and Hernandez and a referral to the Planning Board's counsel.

The discussion then returned to SEQRA, which is needed because this is a nonlisted action and that the short form would have to be prepared by counsel. Mr. Stockburger reiterated his earlier motion to declare the Planning Board as lead agency for SEQRA purposes. This motion was seconded by Chairman Kulo and passed by a vote of 5-0.

35 Main Street – *Change of use concept plan.*

Nobody appeared on this matter and there was no discussion or action.

New Business (con't)

2-4 Allview Avenue-Brewster Honda extension of site plan approval

It was noted that Brewster Honda had done nothing to effectuate the site plan. Chairman Kulo pointed out that the original site plan had been extended into September, and relayed Mr. Folchetti's concerns that there had not even been an application for a building permit. The Chairman also relayed Mr. Folchetti's opinion that the Code does not authorize an extension of a site plan approval. Mr. Stockburger stated that the first extension might have been in error and that Brewster Honda ought not get a second one. There was discussion about what is transpiring in the Town of Southeast concerning Brewster Honda. Mr. Anderson noted that the only way in and out of Brewster Honda lies in the Village and that therefore the Village could not be ignored. It was agreed that the Planning Board would wait and see if Brewster Honda chose to appear before it in the future.

Accept Outstanding Draft Minutes July 10, 2012

Chairman Kulo stated that the next item of business was approval of these outstanding Draft Minutes. Mr. Anderson made a motion to accept the July 10, 2012 Minutes subject to one change, which the Secretary noted he would make. This motion was seconded by Mr. Stockburger and passed by a vote of 4-0, Ms. Diaz abstaining

Other Business

Chairman Kulo inquired if anyone had anything else he or she wished to raise. There was no other business that anyone desired to discuss.

Close Meeting

Mr. Anderson made a motion to close the Meeting, which was seconded by Chairman Kulo and passed by a vote of 5-0.

[Whereupon the Meeting was closed at 8:22 p.m.]

